

docket no. 788); copending U.S. Application No. 09/574,454 filed May 19, 2000 (Hyseq docket no. 789CIP); copending U.S. Application No. 09/519,705 filed Mar. 7, 2000 (Hyseq docket no. 789); copending U.S. Application No. 09/649,167 filed Aug. 23, 2000 (Hyseq docket no. 790CIP); copending U.S. Application No. 09/540,217 filed Mar. 31, 2000 (Hyseq docket no. 790); copending U.S. Application No. 09/770,160 filed Jan. 26, 2001 (Hyseq docket no. 791CIP); copending U.S. Application No. 10/014,487 filed Nov. 8, 2001 (Hyseq docket no.:791CON), which is a continuation of copending U.S. Application No. 09/552,929 filed Apr. 18, 2000 (Hyseq docket no. 791); and copending U.S. Application No.09/989,660 filed Nov. 21, 2001 (Hyseq docket no. 792CON), which is a continuation of copending 09/577,408 filed May 18, 2000 (Hyseq docket no. 792). The entirety of the aforementioned applications are hereby incorporated by reference.

REMARKS

Applicants have amended the Specification to correct one typographical error, and to provide the U.S. serial numbers for two copending applications that were identified in the priority claim but where the serial numbers were received by Applicants after the filing date of this application, as noted. No new matter has been added. Pursuant to 37 CFR 1.121(b)(1)(iii), a marked up version of the specification showing the changes made appears as Appendix A of this Amendment.

Also, Applicants enclose as Appendix B, a photocopy of the front and back of the date stamped return post card showing thereon that an application comprised of 10966 pages was deposited with the P.T.O. on February 26, 2002. The post card indicates that “(2) CD-ROM’s are included as part of the specification”. The PTO stamp and handwritten notation on the front of the post card indicates “From pages 213 to 679 is missing”. The applicants assert that these pages 213 to 679 were submitted in duplicate, in electronic format on the CD-ROM’s included as part of the Specification deposited with the P.T.O. on February 26, 2002, in accordance with 37 CFR 1.52(e). The two CD-ROM’s submitted with the partial paper copy of the Specification, provide in duplicate, electronic copies of Tables 2, 3 and 4 of the Specification. The pages submitted in electronic format are consecutively numbered relative to the paper copy of the Specification, as is required by 37 C.F.R. §1.52(b)(5).

Applicants enclose as Appendix C, pages 196, 197, and 199 of the Specification, which were submitted by paper copy, to support their assertion that the pages 213 to 679 were deposited with the PTO on February 26, 2002 and contained on the CD-ROM’s.

Page 196, lines 27-30 indicates "The nearest neighbor results for SEQ ID NO:1-10,451 are shown in Table 2 and identified as Table2(782).doc on the enclosed compact disc. This file contains pages 213-279 of the specification.

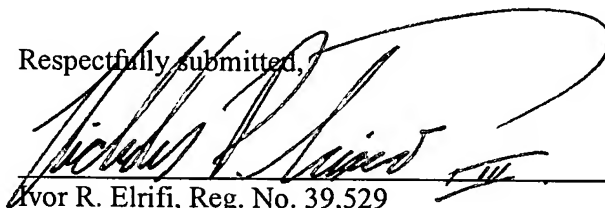
Page 197, lines 3-6 state that "Table 3 (identified as Table3(784).doc on the enclosed CD) sets forth the novel predicted polypeptides (including proteins) encoded by the novel polynucleotides (784 SEQ ID NO: 1-10,289) of the present invention, and their corresponding nucleotide locations to each of 748 SEQ ID NO: 1-10,289". This file contains pages 280-548 of the specification.

Page 199, lines 1-4 state that "Table 4 (identified as Table4(784).doc on the enclosed CD) shows the various tissue sources of the EST sequences from Hyseq's database which were used to assemble the contigs or nucleic acids of the present invention (identified by 784 SEQ ID NO: 1-10,289)". This file contains pages 549-679 of the specification.

Thus, Applicants respectfully submit that the PTO stamp and handwritten notation on the front of the post card is incorrect. Pages 213-679 of the Specification can be found on the CD-ROM's, which were submitted under 37 CFR 1.58(e) as part of the Application filed on February 26, 2002.

Applicants further submit that the pending claims in the present application are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact either of the undersigned at the telephone number provided below.

Respectfully submitted,



Ivor R. Elrifi, Reg. No. 39,529

Nicholas P. Triano III, Reg. No. 36,397

Attorneys for Applicant(s)

MINTZ, LEVIN, COHN, FERRIS,

GLOVSKY and POPEO, P.C.

One Financial Center

Boston, Massachusetts 02111

Tel: (617) 542-6000

Fax: (617) 542-2241

Dated: May 13, 2002